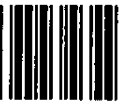


USDC SCAN INDEX SHEET



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3:98-M -02589 USA V. LEYVA
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CRCMP.

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FILED

Complaint

98 OCT -5 AM 10: 53

UNITED STATES DISTRICT COURT

FOR THE

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SOUTHERN DISTRICT OF CALIFORNIA

'98mg2589

BY: *[Signature]* DEPUTY
UNITED STATES OF AMERICA

Magistrate's Docket No:

Case No.

COMPLAINT for VIOLATION of

U.S.C. Title 18

Section 1073

v

ANTONIO FELIX LEYVA

BEFORE

Name of Magistrate

San Diego, California

Address of Magistrate

The undersigned complainant being duly sworn states:

That on or about April 4, 1998, at San Diego, California

Southern District of California

ANTONIO FELIX LEYVA

did knowingly and willfully move or travel in interstate or foreign commerce with the intent to avoid prosecution under the laws of the State of California for the crimes of Murder with Firearm Use, (1 count), a felony in violation of California Penal Code section 187(a) and Conspiracy to Commit Murder with Firearm Use, (1 count), a felony in violation of California Penal Code section 12022.5(a), and for whom the Municipal Court of California, County of San Diego, San Diego Judicial District, issued a Warrant of Arrest, Case No. CD136097, on April 16, 1998, said conduct in violation of Title 18, United States Code, section 1073.

And the complainant states that this complaint is based on:

The attached affidavit of Special Agent Alexander A. Ford, which is incorporated by reference herein.

Alexander A. Ford
Signature of Complainant
ALEXANDER A. FORD.
Special Agent, FBI
Official Title

Sworn to before me, and subscribed in my presence,

Oct. 5, 19 98

Synthia J. Lawer
United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

AFFIDAVIT

I, Alexander A. Ford, being duly sworn, depose and say:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) assigned to the San Diego, California office. I currently investigate Title 18 U.S.C. 1073 (Unlawful Flight to Avoid Prosecution) violations.

2. This affidavit is made in support of a complaint charging Antonio Felix Leyva, with Unlawful Flight to Avoid Prosecution, a violation of Title 18, U.S.C., Section 1073.

3. On September 2, 1998, Robert L. Locke, Assistant Chief, Case Issuance and Extraditions Division, Office of the District Attorney, San Diego, California requested FBI assistance in locating and apprehending Antonio Felix Leyva. Locke said that a criminal complaint was filed in the Municipal Court of California, County of San Diego, San Diego Judicial District on April 16, 1998 charging him with the following felonies: Murder with Firearm Use, violation of California Penal Code, Section 187(a), one count, and Conspiracy to Commit Murder with Firearm Use, violation of California Penal Code, Section 12022.5(a), one count. Locke also advised that on April 17, 1998, a warrant of arrest for Leyva was issued by the San Diego Municipal Court.

4. Locke advised that on March 17, 1998, Juan Jose Perez was shot at Guadalupe Martinez' residence in National City, California by a small caliber pistol. Three suspects,

1 identified as Edgar Felix Martinez, Osvaldo Felix Leyva and
2 Antonio Felix Leyva, were involved in the confrontation.
3 Osvaldo Felix Leyva and Antonio Felix Leyva are brothers and a
4 cousin of Edgar Felix Martinez. The three suspects ran from
5 the residence after Antonio Leyva pulled the phone from the
6 wall and fled in a Ford Tempo. Perez was taken to Mercy
7 Hospital, where he was pronounced brain dead and removed from
8 life support on March 18, 1998.

9 5. Locke advised all three suspects are from
10 Sinaloa, Mexico. Edgar Felix Martinez is from the town of
11 Culiacan on ranch called "Ottatillos Badiraguato." This is a
12 ranch where his family resides and all three suspects hang out
13 together.

14 6. Locke advised that Carlos Martinez, brother of
15 suspect Edgar Felix Martinez, stated on the day of the murder,
16 following the murder, Edgar Felix Martinez called and begged to
17 be taken to Tijuana, but Carlos Martinez refused.


18 7. Additionally, on April 4, 1998, National City
19 Police Officers contacted Wendy Esmeralda Felix-Leyva and Maria
20 Isabel Velarde-Pina, after they had taken possession of several
21 bags filled with clothing belonging to the suspects at the
22 house of Carlos Martinez. Wendy Esmeralda Felix-Leyva claimed
23 she took custody of the clothing because she was told the
24 clothing would be burned and she wanted to keep it safe for the
25 three suspects (who are her brothers and cousin). Wendy
26 Esmeralda Felix-Leyva informed officers she did not know where
27 the suspects were located. Maria Isabel Velarde-Pina told
28 officers she was asked by Wendy Esmeralda Felix-Leyva to assist
with the clothing and that the bags were destined for three

1 male relatives of hers who were on their family ranch in
2 Cotatiyo, Sinaloa, Mexico.

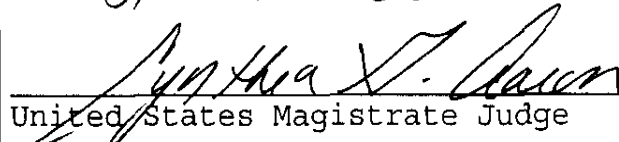
3 8. Locke requested the assistance of the FBI in
4 locating and apprehending Leyva under the provisions of the
5 Unlawful Flight to Avoid Prosecution statute, Title 18, United
6 States Code, Section 1073, since Leyva has not been arrested on
7 the outstanding California warrant dated April 17, 1998, because
8 it appears he has fled the State of California to avoid
9 prosecution for the above described offenses. If Leyva is
10 located within the United States, Locke's office will
11 immediately begin extradition

12 9. Antonio Felix Leyva is described as follows:

13	Name:	Antonio Felix Leyva
14	Aliases:	None
15	DOB:	February 18, 1975
16	Race:	Hispanic
17	Sex:	Male
18	Height:	5'06"
19	Weight:	110 pounds
20	Build:	Thin
21	Hair:	Brown
22	Eyes:	Green
23	DA Number:	PA941303

24 
25 Alexander A. Ford
26 Special Agent, FBI
27 San Diego, California

28 Subscribed and sworn to before me
this 5th day of October, 1998.


United States Magistrate Judge

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA

v.

ANTONIO FELIX LEYVA

WARRANT ISSUED ON THE BASIS OF:

☐ Failure to Appear ☐ Order of Court
☐ Indictment ☐ Information
☒ Complaint

Magistrate's Case No.

'98mg2589**WARRANT FOR ARREST****TO:**

Any U.S. Marshal or other
authorized officer

NAME AND ADDRESS OF PERSON TO BE ARRESTED:

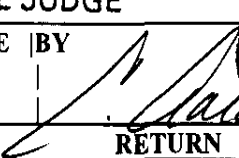
ANTONIO FELIX LEYVA

DISTRICT OF ARREST:**CITY OF ARREST:**

YOU ARE HEREBY COMMANDED to arrest the above-named person and bring that person before the United States District Court to answer the charge(s) listed below.

DESCRIPTION OF CHARGES

Unlawful Flight to Avoid Prosecution

IN VIOLATION OF	UNITED STATES CODE TITLE	SECTION
BAIL	18	1073
OTHER CONDITIONS OF RELEASE		
ORDERED BY	CYNTHIA G. AARON U.S. MAGISTRATE JUDGE	DATE ORDERED OCT - 5 1998
CLERK OF COURT/U.S. MAGISTRATE JUDGE	BY 	DATE ISSUED OCT - 5 1998
RETURN		

THIS WARRANT WAS RECEIVED AND EXECUTED WITH THE ARREST OF THE ABOVE-NAMED PERSON.

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE
DATE EXECUTED		